

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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BASIL OKOCHA,

Plaintiff,

-v-

No. 11 Civ. 1854 (LTS)(JLC)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

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**ORDER**

Plaintiff Basil Okocha (“Plaintiff”), proceeding pro se, brings this action appealing the decision to terminate his Social Security Income benefits. The case was assigned to the undersigned and referred to Magistrate Judge James L. Cott. The Commissioner of Social Security filed a motion to dismiss the Complaint. Judge Cott subsequently issued a Report and Recommendation, dated July 19, 2011 (the “Report”), which recommends that the Complaint should be dismissed, as Plaintiff has failed to exhaust his administrative remedies. No objection to the Report has been filed.

When reviewing a report and recommendation, the Court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C.A. § 636(b)(1)(C) (West 2008). “To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record.” Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal citations and quotation marks omitted). The Court is satisfied that the report contains no clear error. Accordingly, the Court accepts the Report’s

recommendation.

The Complaint is hereby dismissed without prejudice to the Plaintiff filing a new complaint following the conclusion of his administrative proceedings before the Social Security Administration. The Clerk of Court is hereby requested to enter judgment accordingly and close this case.

The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purpose of an appeal. See Coppededge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

Dated: New York, New York  
September 8, 2011



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LAURA TAYLOR SWAIN  
United States District Judge